



DEPARTMENT OF THE NAVY
NAVAL SURFACE WARFARE CENTER
CRANE DIVISION
300 HIGHWAY 361
CRANE INDIANA 47522-5001

IN REPLY REFER TO:

5720
00L/17F024.3
December 15, 2017

Ms. Rose Santos
FOIA Group, Inc.
Post Office Box 368
Depaw, NY 14043

Dear Ms. Santos:

This letter is in final response to your Freedom of Information Act (FOIA) request received at Naval Surface Warfare Center, (NSWC) Crane Division on June 1, 2017. Your request indicated that you are seeking, "Relevant to N0016403C8519, we seek: - Contract, SOW, Modifications, Task/Delivery Orders, Proposal Information, Source Selection Information – any and all documents associated with this contract will be appreciated." Per an email dated June 27, 2017, you withdrew your request for "any and all" documents. Your request was assigned local Case File Number 2017-F-024. Per your email dated June 7, 2017, you indicated that you would not accept clearly releasable information.

As it was received, the FOIA request stated that you agreed to pay FOIA processing fees of up to \$55.00. You were assigned into the "Commercial" fee category. As per the FOIA Improvement Act of 2016, due to the response time to your request exceeding the statutorily regulated time there is no charge for your request

A thorough search was conducted and twenty-two (22) responsive documents were located here at NSWC Crane. The documents were redacted consistent with four applicable FOIA Exemptions. Exemption (b)(3) exempts information that is covered by another statute that specifically exempts the information and permits no discretion on the issues. In this case, statute FOIA exemption (b)(3) exempts records from release that are specifically exempted from disclosure by statute 10 U.S.C. § 130. The relevant portion of the statute provides the following:

(a) Notwithstanding any other provision of law, the Secretary of Defense may withhold from public disclosure any technical data with military or space applications in the possession of, or under the control of, the Department of Defense, if such data may not be exported lawfully outside the United States without an approval, authorization, or license under the Export Administration Act of 1979 (50 U.S.C. App. 2401-2420) or the Arms Export Control Act (22 U.S.C. 2751 et seq.)

Access to the document is subject to the provisions of Department of Defense Directive 5230.25, Withholding of Unclassified Technical Data From Public Disclosure. You may wish to

refer to that Directive for further information about access to the document by qualified U.S. Contractors.

FOIA exemptions at 5 U.S.C. § 552(b) are Exemption 4, Exemption 5 and Exemption 6. Exemption (b)(4) protects commercial or financial information received from a private source when disclosure is likely to cause substantial competitive harm to the source. Exemption (b)(5) exempts pre-decisional opinions and recommendations that were not incorporated into a final decision; as well as attorney-client privilege, attorney-work product, and the government's confidential business information. Exemption (b)(6) exempts personal information from release which, if released would result in a clearly unwarranted invasion of personal privacy. Each redaction has been annotated to show the applicable FOIA exemption.

In view of the above, you may consider this to be an adverse determination that may be appealed. Since you have created an account in FOIA online, you may submit an appeal directly within the web-based system. To do this, you would log in to your account, retrieve your original request, and then click on the "Create Appeal" tab in the left-hand column. The basic information from your request will be duplicated for you, and then you can type in the basis of your appeal. If you prefer to use regular mail, you may submit an appeal to The Department of the Navy, Office of the General Counsel (ATTN: FOIA APPEALS), 1000 Navy Pentagon, Room 5A532, Washington, DC 20350-1000. Your appeal, if any, must be postmarked within 90 calendar days from the date of this letter and should include a copy of your initial request, a copy of this letter, and a statement indicating why you believe your appeal should be granted. I recommend that your appeal and its envelope both bear the notation, "Freedom of Information Act Appeal."

You also have the right to seek assistance and/or dispute resolution services from the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at christopher.a.julka@navy.mil or (703) 697-0031. You may also contact the Office of Government Information Services (OGIS) for assistance and/or dispute resolution at ogis@nara.gov or 1-877-684-6448. For more information online about services provided by OGIS, please visit their website at <https://ogis.archives.gov>.

If you have any questions concerning this letter, you may contact Sara Gibson at (812) 854-5297 or by email at sara.gibson@navy.mil.

Sincerely,



M. H. OESTERREICH
Captain, U.S. Navy
Commanding Officer, NSWC Crane

Enclosure: 1. Document Listing
2. Responsive Documents (22)